

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**MANUEL WILLIAMS,**

**Plaintiff,**

**v.**

**Case No. 08-C-577**

**DR. HEIDORN, CYNTHIA THORPE,  
and DR. SALIENE,**

**Defendants,**

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**ORDER**

Plaintiff, who is incarcerated at the Columbia Correctional Institution (CCI), filed this pro se civil rights action pursuant to 42 U.S.C. § 1983 along with a motion for leave to proceed in forma pauperis. On July 22, 2008, I ordered plaintiff to submit an initial partial filing fee of \$1.15 to the Clerk of Court within 21 days. See 28 U.S.C. § 1915(b)(1). On August 6, 2008, plaintiff filed a motion requesting that the court order the Business Office at CCI to submit the \$1.15 fee. Apparently, the Business Office failed to disburse money from plaintiff's trust account so that he could pay the initial partial filing fee.

Plaintiff is required to pay the initial partial filing fee. See 28 U.S.C. § 1915(b)(1). Moreover, the question of how a prisoner's filing fee is to be collected is determined entirely by statute and is outside the prison's control once the prisoner files a complaint or notice of appeal. Newlin v. Helman, 123 F.3d 429, 436 (7th Cir. 1997), rev'd on other grounds by, Walker v. O'Brien, 216 F.3d 626 (7th Cir. 2000), and Lee v. Clinton, 209 F.3d 1025 (7th Cir. 2000).

Based on the foregoing, I will grant plaintiff additional time to pay the \$1.15 initial partial filing fee to the Clerk of Court. This Order serves as notice to the Warden of CCI, or his designee, of his duty to facilitate the submission of any disbursement request filed by plaintiff to comply with this Order. Accordingly, plaintiff's motion for court order will be granted. Plaintiff shall pay the initial partial filing fee of \$1.15 to the Clerk of Court on or before **October 16, 2008**. Failure to pay the initial partial filing fee within the time specified will result in dismissal of this action, pursuant to Fed. R. Civ. P. 41(b) and Civil L.R. 41.3 (E.D. Wis.).

**For the foregoing reasons,**

**IT IS THEREFORE ORDERED** that plaintiff shall pay the initial partial filing fee of \$1.15 to the Clerk of Court on or before **October 16, 2008**.

**IT IS FURTHER ORDERED** that plaintiff's motion for court order (Docket #7) is **GRANTED**. This order serves as notice to the Warden of Columbia Correctional Institution, or his designee, of his duty to facilitate the submission of any disbursement request filed by plaintiff to comply with this Order.

**IT IS ALSO ORDERED** that copies of this order be sent to the Warden of the institution where the inmate is confined and to Corey F. Finkelmeyer, Assistant Attorney General, Wisconsin Department of Justice, P.O. Box 7857, Madison, Wisconsin, 53707-7857.

Dated at Milwaukee, Wisconsin, this 29 day of September, 2008.

/s \_\_\_\_\_  
LYNN ADELMAN  
District Judge